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ABSTRACT

In a 1976 decision forbidding school boards to negotiate agreements with unions to share teacher tenure decisions (Cohoes City School District v. Cohoes Teachers Association), the New York State Court of Appeals assumed that boards actually make the tenure decisions. To test this assumption, researchers investigated the locus of decision-making in teacher evaluation and tenure matters. A survey of over 2,600 board members, superintendents, principals, and teachers in 83 New York districts sought their perceptions of evaluation fairness, evaluation controversy levels, and influences on and final authority in tenure determinations. Indepth interviews with eight districts' administrators and board members examined the tenure decision process, the roles of administrators and unions, tenure criteria, the impact of arbitration, and the locus of authority. Tabulation of the results showed that school boards' legal authority over tenure determination is in practice delegated to superintendents and principals. Hence, conclude the authors, the de facto tenure decision process differs from the de jure process assumed in the Cohoes case. Appendices include interview schedules and seven of the eight districts' teacher evaluation forms. (Author/RW)

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PUBLIC POLICY AND THE ARBITRATION OF TENURE DECISIONS

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I. INTRODUCTION

A. Public Policy and the Arbitration of Tenure Decisions

The Court of Appeals of the State of New York in Cohoes City School District v. Cohoes Teachers Association (40 N.Y. 2d 774) ruled in 1976 that the authority and responsibility to make tenure decisions vested in a school board by the Education Law "cannot be relinquished." The Court -- while finding sufficient legal basis in the Education Law to permit a school board to agree in collective bargaining negotiations to augment evaluation procedures or to give up or limit its right to discharge a probationary teacher during the period of probation -- held that any provision of a collective bargaining contract which required a school board to surrender its authority to terminate the employment of a non-tenured teacher at the end of the probationary period would be "unenforceable as against public policy."

As a direct consequence of the Cohoes decision, labor arbitrators in New York State have no authority to rule on the substantive merits of tenure decisions made by local boards of education. New York State is not unique in this regard, however, since only one court across all public employee jurisdictions has held that an arbitrator's decision could vest tenure. (27 OR App. 285, 1976).

Over the years, the New York Court of Appeals has increased public policy constraints on public sector collective bargaining agreements and labor arbitration. In the early 1970's, however, the Court enunciated a policy of unequivocal support for labor arbitration, and took the position that the duty to bargain over terms and conditions of employment would be limited only by "express" provisions in other statutes. The Court

articulated its view of public sector arbitration most explicitly in Associated Teachers of Huntington, Inc. v. Board of Education (Huntington II), (33 N.Y. 2d 229, 1973), where it refused to find that an arbitrator's interpretation of a state law imposing a moratorium on sabbatical leaves contravened public policy. While acknowledging that a "small number of problems" were so "interlaced" with strong public policy considerations that they were beyond the reach of arbitration, the Court in Huntington II ruled that "arbitration is considered so preferable a means of settling labor disputes that it can be said that public policy impels its use."

In a series of decisions beginning in the mid-1970's, the Court turned away from this almost unqualified endorsement of arbitration and collective bargaining in the public sector. In Syracuse Teachers Association v. Board of Education, (35 N.Y. 2d 73, 1974), subjects of collective bargaining were limited "by plain and clear, rather than express, prohibitions in the statute or decisional law." The limitation became even broader in In re Susquehanna Valley Central School District (37 N.Y. 2d 614, 1975), when the Court held that public policy constraints could be inferred from "governmental interests and public concerns," even those not explicitly set forth in any statute or case law.

The Court's decision in Cohoes was a precise illustration of an "implicit" limitation: " While the several sections of the Education Law do not explicitly forbid collective bargaining with respect to ultimate tenure decisions, we hold that this conclusion is inescapably implicit in such provisions." In 1977, the Court of Appeals, in Board of Education v. Areman (41 N.Y. 2d 527), ruled that it was contrary to public policy for a board of education to have bargained away its "right" to inspect teacher personnel files. Finally, came Acting Superintendent of Schools v. United Liverpool Faculty Association (42 N.Y. 2d 509, 1977), with its presumption

against arbitration in the public sector, and its anti-arbitration attitude -- what one writer has termed the "climax" of the Court's "decisional journey" away from the application of the principles of private sector labor relations law to the public sector.

The danger in this broader approach to the invocation of public policy restrictions against collective bargaining and labor arbitration in the public sector is that the more they are based on implicit "governmental interests and public concerns" rather than express statutory prohibitions the greater the chance that such restrictions will be the result not of legislative determinations but of judicial hostility toward public employee bargaining.

The wide latitude for judicial value judgments in such cases is illustrated by the Cohoes case where, as noted above, the majority found a public policy prohibition "inescapably implicit" in the Education Law at the same time the dissent concluded that the application of the contract's just cause for discharge provision to tenure decisions was "consistent with and in furtherance of public policy."

B. Research Objectives

Was the Cohoes decision an informed determination? The primary purpose of this research was to test empirically the assumptions underlying the Cohoes Court's limitation of the authority of arbitrators to decide tenure disputes. At the most general level, the Court assumed that the public interest in maintaining the highest possible quality of teaching in public education is fostered by insulating the tenure decisions of local boards from any external review, even if the terms of a collective bargaining agreement would otherwise mandate such review. This, in turn, assumes that members of local boards of education are individually qualified to

judge teaching performance and that it is practically feasible for boards of education to evaluate a teacher's effectiveness in the classroom. The Cohoes court further assumed that local boards do in fact make tenure decisions rather than accepting judgments made by school administrators directly responsible for supervising probationary teachers.

This research project examined the extent to which these judicial assumptions correspond to the actual practice of tenure review in public education. Empirical research was necessary to identify the actual locus of authority in tenure decisions, specifically as this authority rests with either local boards of education or, instead, with school administrators otherwise subject to the provisions of the Taylor Law. To the extent that tenure decisions are actually made by school administrators and only approved by local boards, the unreviewable authority of school administrators is potentially subject to arbitrary, personal motivations on the part of school administrators which may undermine the public interest in quality teaching as well as the rights of individual teachers. Hence the thrust of this research project may be viewed as a testing of the hypothesis that the closer the actual locus of authority on tenure decisions comes to being vested with local school administrators, the stronger becomes the argument for the right of teachers to arbitral review of those decisions.

The hypothesis assumed that academically-based arbitrators, having themselves experienced the tenure review process from both sides, may in fact be eminently qualified to promote the public insterest in the highest quality teaching by ensuring that tenure decisions are based upon the application of objective criteria and are untainted by personal preferences of those granting or denying tenure. It was also hypothesized that the potentiality of arbitral review of tenure decisions made by school

administrators would provide an incentive for administrators to improve and maintain objective standards in the tenure review process to avoid arbitral review and possible reversal, thus having a salutary effect on the entire process of selecting permanent teachers.

Opposition to arbitral review of tenure decisions seeks support in the argument that the tenure decision is of such importance that local boards of education may not delegate their authority in this area. Yet there may be objective practical reasons why local boards have in effect delegated their tenure-granting authority to school administrators. Foremost among the reasons for delegation of tenure authority to school administrators would presumably be the limited expertise to make tenure judgments on the part of members of local boards and the practical limitations on the ability of local board members to engage in classroom evaluation of teaching performance. It is important, therefore, to identify the actual locus of decision-making before policy recommendations are made.

This study weighed empirical findings concerning the operation of the tenure granting process against the hypothesis that the public interest would be promoted by allowing academically based arbitrators to review substantive as well as procedural aspects of tenure decisions.

This study is needed because the Cohoes approach conflicts in principle with the rights and obligations established by the Taylor Law, New York State's public sector collective bargaining statute. While public school teachers are entitled to bargain collectively for arbitral review of managerial decisions affecting terms and conditions of employment, including disciplinary actions against teachers, the substance of tenure decisions has been made a major exception to this statutory right. While it may be argued that the tenure process is of such vital importance to local communities

that the law must guarantee the authority of elected boards of education and prevent external review, it remains to be shown whether the reality of the tenure process justifies such a major exception to the collective bargaining rights of public teachers.

This research is also important because the existing literature on the tenure process (reviewed in the proposal for this grant) is confined to policy issues and lacks the empirical foundation of the work proposed here.

II. RESULTS OF FIELD RESEARCH

A. The Research Problem

The field research and survey data analysis conducted for this study addressed the structure and porcess of tenure review and decision found in New York State public education. Survey responses of school board members, superintendents, principals, and teachers in eighty-three school districts were supplemented by intensive interviews conducted in eight school districts located in various parts of the state. The information derived from these two research efforts will be synthesized below to construct a model of the tenure decision process. Special attention will be paid to the actual distribution of authority in making tenure decisions among the individuals and groups involved in the administration of school districts. This analysis will be used in the concluding chapter to assess the view of the tenure process and ensuing arbitration policy declarations of the Cohoes court.

B. Methodology

The survey data employed here were collected by Dr. Samuel B. Bacharach in a study of power and decision-making in New York school districts.* Separate questionnaires were distributed to school board members, superintendents, principals, and teachers in the sample districts. The questionnaires covered a broad range of activities and decision areas in school

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*Samuel B. Bacharach and Steven Mitchell: Consensus and Power in School Districts. Final Report, National Institute of Education Grant G78 0080, 2 vols., 1980.

districts, several of which have been isolated for the purpose of this study. Appendix I contains several tables describing the survey sample.

Response frequencies of the different respondent groups have been tabulated on two parallel sets of questions. The questionnaires do not address teacher evaluations and tenure decisions, as such. Rather, the survey items used here focus on "personnel evaluations" and decision-making on teaching methods. The responses in the evaluation area are presumed to be closely linked to the tenure review process, given that the bulk of "personnel evaluations" in a school district are of teachers. Responses to questions in the second area have been included as a check on the evaluation questions since both sets of questions address the implementation of fundamental school district policies.

The survey results provide broad coverage of New York school districts within a narrow range of questions. Detailed interviews with school board presidents, superintendents, and school principals in eight school districts have supplied the information necessary to describe the teacher evaluation and tenure decision process. The school districts in the interview sample were selected to represent both varying school district sizes and geographic regions within the state. Appendix II presents statistics on the eight school districts in which interviews were conducted and the amount of experience with the tenure process reported by the interview subjects in each. Appendix III contains the three interview schedules used in the field research.

C. Significance of the Tenure Issue in School Districts

Table 1 presents survey responses to questions about the level of controversy inherent in the issues of personnel evaluation and teaching

methods. Superintendents and school board members were asked how often each issue had aroused "heated discussion" in their districts during the past year. The responses show the two groups to be somewhat divided in their perceptions of the degree of controversy generated by personnel evaluations, with 24% more of the school board members reporting frequent or very frequent controversy. At the same time, 92% of all board members and superintendents report only occasional controversy, at the most, on the issue of teaching methods. [See Table 1 on page 10.]

While teaching methods appear to be quite stable as a policy issue, the survey results do not allow any deeper analysis of the degree of controversy over personnel evaluations perceived by school board members. As will be seen below, school board members do not actually become deeply involved in teacher evaluations, and the responses of board members here may in fact reflect disputes between board members themselves over particular teachers. The field interviews revealed that board members may at times form strong opinions of teachers based upon the reported experiences of their own or a neighbor's children rather than the more generalized formal evaluation process. Competing opinions of this sort may account in part for the level of controversy perceived by school board members, though none of the interview subjects reported any consistent factional groupings on school boards over tenure decisions.

School board presidents and superintendents who were interviewed reported a uniformly low level of conflict between these two groups over tenure decisions. Of the several hundred tenure cases represented by the interview sample, only a handful of cases were reported to have pitted superintendents against board members. In only one instance was a superintendent's tenure recommendation vetoed outright by a school board. In

TABLE 1

Perceived Level of Controversy

A. How often in the last year has the issue of personnel evaluation come up for heated discussion in your school district?

Respondents	Seldom or Never 1	Occasionally 2	Frequently 3	Very Frequently 4
School Boards	18% (57%)	39%	34% (44%)	10%
Superintendents	29% (80%)	51%	9% (20%)	11%
Means	24% (69%)	45%	22% (33%)	11%

B. How often in the last year has the issues of how to teach come up for heated discussion in your school district?

Respondents	Seldom or Never 1	Occasionally 2	Frequently 3	Very Frequently 4
School Boards	58% (90%)	32%	6% (10%)	4%
Superintendents	55% (93%)	38%	7% (7%)	--
Means	57% (92%)	35%	7% (9%)	2%

sum, the research findings indicate that tenure decisions are handled in a manner which does not result in a high level of conflict between school boards and district administrators. The following sections review the research findings on the tenure process itself.

D. Teacher Evaluation

The field interviews were conducted in school districts of widely varying sizes located in all parts of the state (see Appendix II). Given the sample variety, a surprisingly uniform pattern of teacher evaluation leading up to the tenure decision emerged from the interviews. Three phases in the entire tenure review process can be distinguished, with the most critical judgments being made by department heads and principals by the end of a teacher's second probationary year.

The first phase begins within weeks of the start of the school year and entails periodic classroom observations and evaluation by department heads and principals throughout the probationary period. The second phase centers around annual summary evaluations by school principals. The final phase in the tenure review process is marked by the superintendent's recommendation to the school baord that tenure be granted or denied. For reasons discussed below, teachers reaching the third phase of the process are usually recommended for tenure by a superintendent, and such recommendations are almost invariably accepted by school boards.

The entire tenure review process is regulated by provisions of collective bargaining agreements between school districts and local teachers' unions negotiated under the authority of New York's public sector collective bargaining statute. Contractual provisions covering the three phases of

the tenure review process vary in detail and scope, but all provide for a core of procedural and substantive rights for teachers subject to tenure evaluation.

Analysis of such contract provisions in the eight school districts in which interviews were conducted led to identification of four basic parameters in the tenure review process. First, the monitoring and observing of a teacher without the teacher's knowledge, through the use of public address systems for example, is prohibited in all cases. Second, procedural aspects of periodic and annual teaching evaluations are specified in considerable detail. Essential procedural definitions include a minimum number of observations to be conducted annually, varying from two to five in the interview sample districts; deadlines for the completion of evaluations, and the right of teachers to review evaluations in conference with supervisors and to respond formally to critical observations. Third, the contents of official personnel files are subject to review by teachers and the inclusion of derogatory materials is made subject to review and reply by teachers. Fourth, deadlines for notifying teachers of unfavorable tenure decisions are established, along with the right of teachers to an explanation of the reasons for such decisions.

These four types of contractual provisions define the scope of disputes which may currently be submitted to arbitration. In addition, particular local contracts may specify who is to evaluate teacher performance, exclude voluntary activities from evaluation, or provide for appeal of unfavorable evaluations to the superintendent, as several examples. While the substance of evaluations is excluded from arbitral review under the Cohoes decision, it is within this contractual framework that the three phases of the tenure review process take place.

As noted previously, the first phase of teacher evaluation begins shortly after the school year begins. Though a collective bargaining agreement may stipulate only that the first formal evaluation be completed by Thanksgiving recess for example, informal observation and consultation by department heads was reported in the interviews to commence within the first several weeks of the school year. In the first phase of teacher evaluation in the field study districts, department heads are dominant, with principals becoming more actively involved earlier in the year where a teacher encounters difficulties. In the smaller districts, principals and even superintendents make at least one routine observation per teacher each year. More commonly, however, principals are responsible for annual summary evaluations and evaluation conferences with teachers. Superintendents generally reported becoming involved in teacher evaluations only "by exception" -- again, in cases in which teachers develop serious classroom problems.

The superintendents also emphasized that where problems do develop in a teacher's performance, the superintendent's main concern is, on the one hand, that the teacher's difficulties be carefully documented and, on the other, that adequate efforts are made by the administrative staff to assist the teacher in overcoming problems. It was universally reported in the interviews that the more trouble a new teacher has in adjusting to the job, the greater will be the number of observations and remedial conferences with a teacher. The district administrators interviewed were all formerly teachers themselves and this appeared to add the force of empathy and even "craft pride" to the administrators' concern with procedural correctness should a teacher ultimately be denied tenure.

The teacher evaluation forms and evaluation criteria used in the field study districts, like the contract provisions discussed previously, vary

in detail across districts but cluster around a set of basic evaluative standards common to all. Professional qualifications, primarily subject matter knowledge, is first among these. A second set of criteria addresses a teacher's skills in lesson preparation and teaching techniques, for example, the satisfactory use of a variety of materials. Thirdly, the teacher's ability to motivate students, respond to individual needs, and to evaluate learning progress constitute a separate category of evaluation. Finally, a fourth standard centers around the teacher's management of the classroom atmosphere and class record-keeping. Appendix IV consists of the teacher evaluation forms used in the field study school districts.

As a review of the forms will show, the dominant format of evaluation instruments involves check-off rating of teacher performance on 10-25 items falling within the broad categories outlined above. While four of the field study districts use this type of evaluation exclusively, two others combine rating scales with narrative evaluations. The last two districts in the field study sample use solely narrative forms, in conjunction with evaluation guidelines. In one large urban school district, extremely complex forms are used, with a supplementary form which must be completed for unsatisfactorily rated teachers. In all of the districts separate forms are used to document post evaluation conferences between teachers and administrators.

All of the administrators interviewed acknoweldged to some degree an uneasiness with the multiple-choice rating format and several expressed the feeling that such forms tend to generate inflated ratings. Despite the complexity and apparent thoroughness of the large district evaluation instrument identified above, the school board president in that district asserted that teachers were in fact inadequately evaluated and that too

many were recommended for tenure by the superintendent. The narrative forms were developed in recent years in the districts using them, largely in response to the deceptive "objectivity" of multiple-choice forms and, although far more time consuming to prepare, are regarded by the administrators using them as more reliable measures of a teacher's performance.

To the extent permitted by local collective bargaining agreements, other elements considered in the second phase of teacher evaluation include the teacher's extracurricular contributions, responsibility in such matters as study hall and cafeteria duty, collegiality, and relations with parents. While parent complaints are investigated and sometimes made a part of a teacher's personnel file, the administrators interviewed all claimed that such information is heavily discounted due to its partiality. Nonetheless, most of the administrators interviewed freely admitted the role played by the "intangibles" in the evaluation process, for example, the "halo effect" of a pleasant personality which may obscure real teaching deficiencies. Thus, for all the efforts to create scientific evaluation tools, a significant element of art remains. As one principal put it, "The clearly superior and clearly inadequate cases are easy. The 'just average' teacher is the tough call."

The critical moment in teacher evaluation and, indeed, the entire tenure review process comes at the end of the teacher's second probationary year, the conclusion of the second phase of the process. By this stage, it was reported in each of the field study districts, teachers whose performance is insufficient to be awarded tenure have been "weeded out" or offered the opportunity to resign. It was also reported that such opportunities are rarely foregone by teachers in such a position. Thus it is during the second phase of evaluation, most heavily involving school principals, that de facto tenure decisions are made. As was noted

previously, teachers who are retained for the third probationary year are almost always recommended for tenure and rarely are such recommendations rejected by school boards. Nonetheless, the following section describes the de jure tenure decision made at the third phase of the review process and relates the preceding discussion to interview and survey findings on the actual distribution of final authority in making tenure decisions.

E. The Tenure Decision

By law and according to the rationale of the Cohoes decision, tenure decisions are made by boards of education on the recommendation of the district superintendent. While this third phase constitutes the formal conclusion of the tenure review process, the preceding discussion emphasized the pivotal importance of decisions made at the school level by principals and department heads by the end of the second probationary year. This finding is strongly corroborated by the survey results. Table 2 contains response frequencies on the question of which groups or individuals within the school system have the greatest influence on personnel evaluations and in establishing teaching methods. [See Table 2 on page 17.]

The survey items discussed above address influence and involvement in personnel evaluations. Table 4, however, provides an assessment of the laws of final authority in making personnel evaluation and teaching method decisions. Here again, however, principals are most heavily credited with having final authority in personnel evaluations. School board members almost evenly split this between principals and superintendents, giving themselves a very low authority rating here. On the issue of teaching methods, teachers are given the highest ratings, followed by principals.

TABLE 2

Group-Individual Influence

A. Which three persons or groups from among the following do you consider to have the greatest influence on personnel evaluation decisions, regardless of who has final authority?

	Superintendent	Administrative Assistants	Principal	School Board	Department Heads	Teachers
Respondents	1	2	3	4	5	6
School Boards	74%	41%	86%	24%	43%	10%
Superintendents	76%	33%	83%	30%	28%	17%
Principals	71%	29%	91%	24%	48%	12%
Teachers	53%	35%	84%	19%	43%	18%
Means	69%	34%	44%	24%	41%	14%

B. Which three persons or groups from among the following do you consider to have the greatest influence on **decisions about** how to teach, regardless of who has final authority?

	Superintendent	Administrative Assistants	Principal	School Board	Department Heads	Teachers
Respondents	1	2	3	4	5	6
School Boards	39%	22%	77%	13%	52%	72%
Superintendents	24%	11%	83%	7%	50%	87%
Principals	27%	10%	84%	6%	50%	83%
Teachers	21%	16%	73%	9%	48%	78%
Means	28%	15%	79%	9%	50%	80%

TABLE 3

Self-Reported Involvement

A. How often did you get involved in personnel evaluation decisions in the last year?

Respondents	Seldom or Never 1	Occasionally 2	Frequently 3	Almost Always 4
School Boards	20% (65%)	45%	22% (35%)	13%
Superintendents	4% (28%)	24%	37% (72%)	35%
Principals	--- (2%)	2%	11% (98%)	87%
Teachers	49% (82%)	33%	12% (18%)	6%

B. How often did you get involved in determining how to teach in the past year?

Respondents	Seldom or Never 1	Occasionally 2	Frequently 3	Almost Always 4
School Boards	68% (89%)	21%	7% (11%)	4%
Superintendents	35% (76%)	41%	17% (24%)	7%
Principals	2% (26%)	24%	40% (74%)	34%
Teachers	13% (30%)	17%	26% (67%)	41%

Again, school boards are rated quite low, even by themselves. [See Table 4 on page 20.]

The field interview respondents were also asked to identify the seat of final authority in tenure decisions. The majority readily identified the tension between the legal authority vested in school boards and the actual dependence of the school board on the professional judgment of district administrators. As a result, most identified principals and superintendents as the final decision makers since it is they who evaluate teachers and decide which should be recommended for tenure. One small district superintendent described the final authority as shared-between the legal requirement that a teacher be recommended for tenure by the superintendent and the veto power of the school board. A school board president insisted that the school board possessed final authority on tenure decisions since administrators came and went while the board had to live with the tenure decisions. This seemed to be more a matter of rationalization than reality. Furthermore, as has been noted previously, school board rejection of a superintendent's recommendations has been the rare exception in the interview sample of school districts. To summarize then, while the final authority on tenure decisions is formally vested in school boards, that authority is in fact delegated by school boards to the professional educators who administer the schools.

TABLE 4

Final Authority

A. Identify from among the following the one person or group you consider to have final authority in personnel evaluation decisions:

	Superintendent	Administrative Assistants	Principal	School Board	Department Heads	Teachers
Respondents	1	2	3	4	5	6
School Boards	44%	7%	42%	3%	4%	1%
Superintendents	26%	2%	72%	---	---	---
Principals	12%	2%	81%	4%	1%	---
Teachers	10%	6%	73%	2%	0%	1%
Means	23%	4%	59%	2%	3%	1%

B. Identify from among the following the one person or group you consider to have final authority in determining how to teach:

	Superintendent	Administrative Assistants	Principal	School Board	Department Heads	Teachers
Respondents	1	2	3	4	5	6
School Board	14%	6%	21%	4%	16%	38%
Superintendents	9%	---	28%	---	7%	54%
Principals	4%	---	40%	---	10%	46%
Teachers	3%	2%	13%	2%	7%	72%
Means	8%	2%	26%	2%	10%	53%

III. CONCLUSION

The teacher evaluation provision of the collective bargaining agreement in one of the interview sample school districts begins with this statement: "The evaluation of the work of all teachers is the responsibility of the Board; but the development of an appropriate and fair instrument and procedure for evaluation is a proper concern of the teaching staff." This distribution of authority, symbolic on the one hand and practical on the other, characterizes the entire tenure evaluation and decision-making process in New York public education. It is clear, with few exceptions, moreover, that the participants in the process view such a distribution as appropriate, indeed, the only structure possible.

As most of the school board presidents interviewed indicated, if a board disapproves of the cumulative results of a superintendent's tenure recommendations, the board can always elect to replace the chief administrator. Nonetheless, between superintendent firings, lay school boards appear to confine their involvement in tenure decisions to expression of the policy that only teachers of demonstrated quality be granted tenure. It is in the application of such a general policy by department heads, principals, and superintendents that the policy's content is actually defined. Thus it is the professional administrators who make the real decisions on the granting of tenure, primarily during a teacher's first two probationary years, before the school board is involved in any substantial issue. The field research findings clearly indicate that the de facto tenure determination process differs from the de jure process assumed by the New York State Court of Appeals in Cohoes.

That conclusion, of course, does not resolve the issue of whether the tenure decision process should be subjected to deeper review by arbitrators as a consequence of these findings. With only one exception, the interview subjects expressed the belief that arbitral review of the tenure process which reached beyond procedural questions to the substantive merits of the decisions would be unworkable if not catastrophic in its consequences for the process and the school districts. Most of those interviewed stressed the improbability that a third party from outside the school district, even a tenured professor, could effectively review decisions based upon classroom observations and evaluation conferences, especially since such evaluations are always relative to the entire sample of teachers from which a school district has been able to select a tenured faculty. Others stressed the chaos they believed the review process would be thrown into by perpetual "second guessing" of the basis of tenure decisions. All of the interview subjects questioned the wisdom of granting such review authority to individuals with no lasting accountability in a school district, however imperfect the process might be.

The teachers reached by the survey reported on here, while reporting mixed sentiments about the rationality of the review process and the criteria upon which tenure decisions are actually made nonetheless expressed doubt that an accurate evaluation of their performance could be made in the absence of classroom observation. Table 5 presents these findings. Although widely dispersed in their responses, teachers tend to believe that their supervisors have a reasonably accurate idea of the quality of their teaching and that evaluation by supervisors is feasible. While only a fifth of the teachers identify performance evaluation as the <u>single</u> most important criterion for promotion and are again widely dispersed in their beliefs about the rationality

of promotion decisions, the majority of teacher respondents believe that evaluation of their performance without observation would be difficult or very difficult. [See Table 5 on page 24.]

The great importance of classroom observations and evaluation conferences to the tenure decision process also raises doubts about the unique expertise of college and university-based arbitrators which was assumed in the hypothesis. That expertise for the most part constitutes the evaluation of published research which has little relevancy to primary and secondary education.

The negative impressions of tenure decision arbitration expressed by those surveyed are consistent with the evidence produced by the field research. That evidence is, in fact, sufficient to reject the hypothesis that the public interest would be promoted by allowing academically based arbitrators to review substantive as well as procedural aspects of tenure decisions. Such arbitral authority would serve little practical purpose since neither the survey results nor interviews revealed any significant evidence of substantial controversy over tenure-granting decisions. Local teachers unions, moreover, rarely, if ever, challenge the substantive basis for tenure denials. This follows from the fact that most tenure denials in fact find expression in teacher resignations two-thirds of the way through probationary periods.

The New York State Court of Appeals' decision in Cohoes involved a significant and troublesome expansion of the scope of what constitutes a "public policy" prohibition against grievance arbitration in the public sector. As the field research for this project demonstrated, moreover, the Court of Appeals in Cohoes was clearly mistaken concerning the actual locus of decision-making authority in tenure cases.

TABLE 5

Teacher Perception of Evaluation Process

A. How accurate an idea to do you think your supervisor has of how good a teacher you are?

Very Accurate				Very Inaccurate
1	2	3	4	5
20%	27%	22%	20%	11%

B. How easy is it for others to observe your performance on the job?

Very Easy	Easy	Difficult	Very Difficult
1	2	3	4
34%	41%	18%	7%

C. How difficult would it be for someone to evaluate your job performance without observing you on the job?

Very Easy	Easy	Difficult	Very Difficult
1	2	3	4
7%	24%	39%	30%

D. What do you think is the single most important factor in getting a promotion in your school?

1. Job Experience	6%	5. Performance Evaluation	19%
2. Credentials	9%	6. Seniority	15%
3. Written Exams	---	7. Personal Contacts	37%
4. Interviews	3%	8. Other	12%

E. To What degree do you think that promotion in this school is bascially a rational process?

Not At All				A Great Deal
1	2	3	4	5
16%	26%	39%	15%	4%

The research reported here also shows, however, that given the actual workings of the tenure review process described in the body of this report, the Court's decision barring the arbitration of the substantive merits of tenure decisions was of little practical significance. It is possible, on the other hand, that the unavailability of an arbitral review of the merits of a tenure denial might actually be a major reason why the tenure review process currently works the way it does.

APPENDIX I

Survey Sample Characteristics

Source: Consensus and Power in School Districts
National Institute of Education
Grant G78 0080
Principal Investigator: Samuel B. Bacharach

A. Sample Districts: 83 School Districts in New York State, drawn from 4 geographical areas:

Center	Districts
Binghamton-Elmira:	30
Rochester:	14
Syracuse:	22
Westchester County:	17
	83

B. Sample District Size: Average student attendance, kindergarten through twelfth grade:

Mean: 3,128
Low: 277
High: 12,205

C. Sample District Wealth: Assessed property valuation:

Mean: $65,951,758
Low: $1,904,589
High: $379,246,706

D. Sample District Public Expenditures:

Mean: $7,443,854
Low: $630,968
High: $28,308,727

E. Survey Returns - Sample Sizes

	Distributed	% Returned	n
1. School Boards	550	48%	263
2. Superintendents	83	55%	46
3. Principals	150	72%	108
4. Teachers	---	---	2247

APPENDIX II

Field Research Case Sample

A. Sample Districts

		# Schools	Attendance
1.	Ithaca	17	7,295
2.	Port Jervis	5	3,376
3.	Amityville	5	4,153
4.	Levittown	15	12,509
5.	Homer	5	3,296
6.	Union Springs	3	1,660
7.	Buffalo	87	54,676
8.	Binghamton	14	9,520

B. Respondent Experience in Tenure Process: Years in position and number of tenure decisions participated in:

District:	Board Presidents Years/#Decisions	Superintendents Years/#Decisions	Principals Years/#Decisions
1. Ithaca	4/75	6/120	3/3
2. Port Jervis	6/15	1/2	1/3
3. Amityville	6/25	2/10	10/40
4. Levittown	2/20	3/30	8/45
5. Homer	5/30	4/25	7/30
6. Union Springs	6/15	1/3	8/13
7. Buffalo	4/200	6/60	6/45
8. Binghamton	4/40	2/18	8/20
Means:	5/53	3/34	6/25

APPENDIX III:

Interview Schedules

PRINCIPALS

Interview Schedule

School District: _____

Date: _____

A. INTRODUCTION

1. Purpose of Research
2. Format of Interview
3. Open Discussion at End
4. Confidentiality
5. Informed Consent Form

B. SUBJECT'S BACKGROUND

1. How long have you been a principal in this School district?

2. What other teaching or administrative positions did you hold previously?

C. TENURE PROCESS AND SUBJECT'S ROLE

1. Approximately how many tenure decisions have you participated in in this district?

2. In outline form, what is the tenure evaluation process followed in this school district?

3. At what point in time following the hiring of a teacher do you become involved in the evaluation process?

4. What is your own role in the process typically, relative to the superintendent and school board?

5. Roughly what percentage of your official time do you spend on tenure evaluations in the course of a year?

D. LOCUS OF AUTHORITY IN TENURE DECISIONS

1. How frequently have you encountered strong disagreements between youself and members of the school board on tenure decisions and how have these been resolved?

2. How frequently, as a proportion of tenure cases, do you have informal as well as formal discussions with the superintendent and members of the school board?

3. Based upon your experience, who has the final authority in making tenure decisions and why?

E. TENURE CRITERIA

1. What is the single most important factor in tenure decisions?

2. Are there specific categorical criteria which are applied in conjunction with a rating system in making tenure decisions?

3. What other sources of information, in addition to formal in-class teaching evaluations, are drawn upon in making tenure decisions?

F. UNION ROLE IN TENURE PROCESS

1. To what extent are officers of the local teachers union consulted in the tenure evaluation process?

2. How frequently has the union actively disagreed with your own opinions on tenure decisions?

3. What has been the basis and effect of such disagreement?

G. IMPACT OF ARBITRATION ON TENURE PROCESS

1. Are you aware of any changes in the tenure evaluation process which have resulted from the submission of decisions to arbitration?

2. In your opinion, what would be the ramifications of making the substantive merits of tenure decisions subject to review by academically-based arbitrators?

I. CLOSING

Thank you, that completes the interview schedule. If you have any further remarks, I would like to hear them.

SCHOOL BOARD PRESIDENTS

Interview Schedule

School District:_____

Date:_____

A. INTRODUCTION

1. Purpose of Research
2. Format of Interview
3. Open Discussion at End
4. Confidentiality
5. Informed Consent Form

B. SUBJECT'S BACKGROUND

1. How long have you been a member and then President of the school board in this district?

_____member _____president

2. Briefly, what led you to become involved in the school board?

C. TENURE PROCESS AND SUBJECT'S ROLE

1. Approximately how many tenure decisions have you participated in in this district?

2. In outline form, what is the tenure review process followed in this school district?

3. At what point in time following the hiring of a teacher do you become involved in the evaluation process?

4. What is the role of the school board in the process typically, relative to the superintendent and Principals?

5. Roughly what percentage of your official time do you spend on tenure evaluations in the course of a year?

D. LOCUS OF AUTHORITY IN TENURE DECISIONS

1. How frequently have there been strong disagreements among members of the school board on tenure decisions and how have these been resolved?

2. Do the members of the school board seem to form two or more distinct factions and, if so, centered around what interests?

3. How frequently have there been strong disagreements between the school board and the superintendent on tenure decisions and how have these been resolved?

4. How frequently, as a proportion of tenure cases, do members of the school board have informal as well as formal discussions with the superintendent and the principals?

5. Based upon your experience, who has the final authority in making tenure decisions and why?

E. TENURE CRITERIA

1. What is the single most important factor in tenure decisions?

2. Are there specific categorical criteria which are applied in conjunction with a rating system in making tenure decisions?

3. What other sources of information, in addition to formal in-class teaching evaluations, are drawn upon in making tenure decisions?

F. UNION ROLE IN TENURE PROCESS

1. To what extent are officers of the local teachers union consulted in the tenure evaluation process?

2. How frequently has the union actively opposed tenure decisions of the school board?

3. What has been the basis and effect of such opposition?

G. IMPACT OF ARBITRATION ON TENURE PROCESS

1. Have you had tenure decisions submitted to arbitration on procedural grounds?

2. Did the outcome of such cases have any subsequent impact on the procedures used in tenure evaluations?

H. PUBLIC POLICY ISSUES

1. State-wide data collected by Sam Bacharach indicate that superintendents and principals actually exercise the lion's share of authority in tenure decisions. Do you see any conflict between this finding and the education law's mandate that school boards retain exclusive authority to grant tenure?

2. In your opinion, what would be the ramifications of making the substantive merits of tenure decisions subject to reivew by academically-based arbitrators?

I. CLOSING

Thank you, that completes the interview schedule. If you have any further remarks, I would like to hear them.

SUPERINTENDENTS

Interview Schedule

School District: _____

Date: _____

A. INTRODUCTION

1. Purpose of Research
2. Format of Interview
3. Open Discussion at End
4. Confidentiality
5. Informed Consent Form

B. SUBJECT'S BACKGROUND

1. How long have you been Superintendent of Schools in this district?

2. What teaching or administrative positions did you hold previously?

C. TENURE PROCESS AND SUBJECT'S ROLE

1. Approximately how many tenure decisions have you participated in in this district?

2. In outline form, what is the tenure evaluation process followed in this school district?

3. At what point in time following the hiring of a teacher do you become involved in the evaluation process?

4. What is your own role in the process typically, relative to the School Board and principals?

5. Roughly what percentage of your official time do you spend on tenure evaluations in the course of a year?

D. LOCUS OF AUTHORITY IN TENURE DECISIONS

1. How frequently have you encountered strong disagreements between yourself and members of the school board on tenure decisions and how have these been resolved?

2. Do the members of the school board seem to form two or more distinct factions and, if so, centered around what interests?

3. How frequently have there been strong disagreements among members of the school board on tenure decisions and how have these been resolved?

4. How frequently, as a proportion of tenure cases, do you have informal as well as formal discussions with members of the school board and the principals?

5. Based upon your experience, who has the final authority in making tenure decisions and why?

E. TENURE CRITERIA

1. What is the single most important factor in tenure decisions?

2. Are there specific categorical criteria which are applied in conjunction with a rating system in making tenure decisions?

3. What other sources of information, in addition to formal in-class teaching evaluations, are drawn upon in making tenure decisions?

4. How much of the evaluation and decision process is documented in each case? Can you show me what such documentation would look like in a typical case?

F. UNION ROLE IN TENURE PROCESS

1. To what extent are officers of the local teachers union consulted in the tenure evaluation process?

2. How frequently has the union actively opposed tenure decisions of the school board?

3. What has been the basis and effect of such opposition?

G. IMPACT OF ARBITRATION ON TENURE PROCESS

1. Have you had tenure decisions submitted to arbitration on procedural grounds?

2. If so, what were the issues involved and the outcomes of such cases? Can you give me copies?

3. Did such cases have any subsequent impact on the procedures used in tenure evaluations?

H. PUBLIC POLICY ISSUES

1. State-wide data collected by Sam Bacharach indicate that superintendents and principals actually exercise the lion's share of authority in tenure decisions. Do you see any contradiction between this finding and the education law's mandate that school boards retain exclusive authority to grant tenure?

2. In your opinion, what would be the ramifications of making the substantive merits of tenure decisions subject to review by academically-based arbitrators?

SUPERINTENDENTS - 6

I. CLOSING

Thank you, that completes the interview schedule. If you have any further remarks, I would like to hear them.

APPENDIX IV:

Sample Teacher Evaluation Forms

ITHACA CITY SCHOOL DISTRICT

Teacher-Principal Planning Session
Conference and Post-observation
Conference Report Form

Date of Conference _____

Time _____

Place _____

Type of Conference:

Teacher-Principal Planning Session Conference _____

Post-observation Conference _____

In either type of conference the main points relating to the teacher's classroom goals, classroom program(s) and organization and the evaluation of students should be recorded.

The teacher and the principal (or other evaluator) should retain a copy for their files. The principal's file will include a copy of all post-observation conference reports.

The teacher and principal (or other evaluator) should sign the conference form.

Principal _____

Teacher _____

(Use reverse side, if necessary)

ITHACA CITY SCHOOL DISTRICT

OBSERVATION NOTES

Teacher _____ Observer _____

School _____

Date _____ Time _____

ITHACA CITY SCHOOL DISTRICT

Final Evaluation

Teaching assignment _____ School _____

On this date _____ a final evaluation conference was held between

_____ and _____.
(name of evaluatee) (name of evaluator)

Agreement with evaluation _____

Disagreement with evaluation _____

Professional Growth
Credit Rating _____

Signature of Professional

_____

Signature of Principal

_____

Signature of Other Evaluators (when appropriate)

_____

_____

Statement of Evaluator

(Reverse side and an additional sheet may be used, if necessary.)

old form

ITHACA PUBLIC SCHOOLS

OBSERVATION REPORT

Teacher visited _____ Dept. or Grade _____

Subject _____ No. of Pupils _____

Facts and comments about the lesson observed:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Conference is / is not desired at _____

Type of visit: Scheduled
Invitation of teacher
Unscheduled

Date and time of visit _____

Date of report _____

Signed _____ Position _____

Items based on the lesson:	Present	Not Present
1. Rapport between teacher and children		
2. Attention to physical conditions		
3. Evidence of active pupil participation		
4. Organization and presentation of lesson		
5. Attention to individual needs and abilities of children		
6. Aptness in using reference, illustrative materials and resource materials		
7. Knowledge of subject matter		
8. Evidence of development of work habits		
9. Proper social control		

CITY SCHOOL DISTRICT
Binghamton, New York

PROFESSIONAL STAFF EVALUATION INSTRUMENT
PART I

Name _____ School _____

Position _____ Year _____

Check one: Probationary year 1 ___ 2 ___ 3 ___ Tenure ___

Place a check mark in the column that represents your assessment of the teacher's competence in the areas that are specified. Comments must be written to qualify check marks indicating "Needs Improvement" and/or "No Data Available".

	Superior	Satisfactory	Needs Improvement	No Data Available
1. Teaching clearly communicates				
a. lesson objective(s)				
b. what is expected of the students				
c. evidence of flexibility, adaptability and creativity.				
2. Presentation of lessons shows				
a. adequate planning and preparation				
b. meaningful use of materials and human resources				
c. understanding of the learning process				
d. enthusiasm.				
3. Individual needs of students are recognized and efforts are made to meet them.				
4. Various techniques are used				
a. to develop desirable work habits, skills and attitudes				
b. to encourage optimum achievement				
c. to create an atmosphere for positive student participation.				
5. A wholesome physical atmosphere is maintained.				
6. Effective leadership is evident.				
7. Knowledge of subject matter is demonstrated.				
8. Required records and reports are accurate, complete and in on time.				

Recommendations/Comments:

Signature of Evaluator

Comments:

Date

Signature of Teacher

Please check your evaluation of the teacher on the following numbered qualities. If unsatisfactory, explanation must be given.

	S	U	COMMENTS
I PROFESSIONAL QUALIFICATIONS			
1. Knowledge of subject matter			
2. Ability to express ideas clearly and direct pupils effectively			
3. Ability to plan activities and facilitate learning			
4. Ability to anticipate, diagnose, and solve learning difficulties			
5. Usage of standard English (written and spoken)			
6. Acceptance of and response to constructive criticism			
7. Responsibility, personal and professional, in classroom, in school			
8. Responsibility in school-community relations			
II PERSONAL QUALIFICATIONS			
1. Voice and Speech: Quality, modulation, use (rate of speech, amount of talking).			
2. Poise and Manner: Self confidence, self-control, dignity, maturity, courtesy, enthusiasm			
3. Attitudes toward Children: Acceptance of children, kindness, understanding, patience			
4. Attitudes toward Professional Work: Willingness, industry, initiative, cooperation, interest			
5. Health: Frequently ill, absent			
III MANAGEMENT AND PROCEDURE			
1. Clear, well defined aims			
2. Room arranged and managed as a learning center			
3. Maintenance of discipline and control (mutual respect, interest, and joint participation)			
4. Management of time (efficiency of routines, schedules, preparation, materials, devices)			
5. Motivation and stimulation of pupils			
6. Choice and use of teaching materials and devices			
7. Awareness of effects of teaching, ability to evaluate results of teaching			
8. Accuracy, dependability, promptness, reports to school office, reports to parents			
9. Recognition of abilities of children, teaching geared to each child			

050513

BOARD OF EDUCATION
BUFFALO, NEW YORK

SUPPLEMENTARY TEACHER EVALUATION REPORT

TEACHER'S NAME _____ SCHOOL _____

This form must be completed for any teacher that you do not consider adequate. Underline those phrases which you think best describe the teacher's inadequacies.

I PROFESSIONAL INADEQUACIES

(1) Knowledge of Subject Matter
Inadequate in degree and presentation

(2) Ability to Express Ideas Clearly and Give Directions Effectively
Errors in language, directions not clear, communicates ineffectively with pupils

(3) Ability to Plan Activities and Facilitate Learning
Poor preparation, poor lesson planning, unaware of goal, no written plans

(4) Ability to Anticipate, Diagnose, and Solve Learning Difficulties
Unaware of outcome, poor diagnoses of individual needs, inadequate solution for learning difficulties

(5) Use of Standard English: Writing and Speaking Correctly
Poor scholarship, incorrect speaking and writing

(6) Acceptance of and Response to Constructive Criticism
Resents criticism unresponsive to supervision

(7) Responsibility, Personal and Professional in Classroom, in School
Irresponsible professional behavior, indifferent to duties, does not cooperate with other staff members

(8) Responsibility in School-Community Relations
Poor communication with parents, non-attendance at required meetings, contributes to inharmonious relationships

II PERSONAL INADEQUACIES

(1) Voice and Speech
Irritating quality, weak, too loud, too rapid, talks too much

(2) Poise and Manner
Lacks self-confidence, lacks self-control, uncertain, ill-mannered, unenthusiastic

(3) Attitudes toward Children
Cannot establish rapport with pupils, shows no basic understanding of pupils, unkind, impatient, rejects some pupils

(4) Attitudes toward Professional Work
Indifferent to responsibility, uncooperative, exerts minimum of effort, disgruntled, complaining

(5) Health
Frequently ill, absent

III MANAGEMENT AND PROCEDURE

(1) Clear, Well-defined Aims
Poor concept of aims and objectives

(2) Room Arranged and Managed as a Learning Center
Room cluttered, untidy, poorly arranged

(3) Maintenance of Discipline and Control (Mutual Respect, Interest, and Joint Participation)
Poor control of pupils, unsatisfactory relationships with pupils, disorder, tension, pupils disinterested

(4) Management of Time (efficient routines, schedules, preparation, materials, devices)
Lacks system, poor preparation, absence of effective routines, waste of time

(5) Motivation and Stimulation of Pupils
Does not interest pupils, lacks pupil participation, unaware of need for motivation

(6) Choice and Use of Teaching Materials and Devices
Poor choice of method and material, poor usage of teaching methods or materials

(7) Awareness of Effects of Teaching, Ability to Evaluate Results of Teaching
Haphazard and ineffective measurements, no provision for remedial work, poor questioning procedure

(8) Accuracy, Dependability, Promptness (Reports to School Office, Reports to Parents)
Inaccurate, undependable, needs too much followup

(9) Recognition of Abilities of Pupils, Teaching Geared to Each Pupil
Ignores individual differences, methods not adopted to members of the class

1. On what date were the reported inadequacies first brought to the attention of the teacher?

.....

2. What constructive suggestions for improvement were given the teacher?

.....

.....

.....

.....

3. How many subsequent observations have been made of the teacher? .....

4. On how many subsequent occasions have the teacher's inadequacies been discussed with him (her)?

.....

Name .....

Position .....

Date .....

Teacher's Signature ..... Date .....

(This does not necessarily constitute agreement).

NOTE: A teacher may subsequently submit a letter answering an adverse evaluation. Upon receipt, such letter will be attached to the official copy of the evaluation report in the Personnel Office.

HOMER CENTRAL SCHOOL DISTRICT

Evaluation Form

Name of Teacher _____

Subject/Grade Level _____ School _____

School Year _____ Year(s) of Service in District _____

It will be the responsibility of the building principal to complete an Evaluation Form for each teacher on the building staff once each year prior to the end of the school year. Comments evaluating the teacher's performance will be made under each heading.

I. Techniques of Instruction

II. Classroom Environment

III. Teacher-Pupil Relationship

IV. Planning and Preparation

V. Suggestions and General Comments

Teacher Comments:

Conference Date _____

Evaluator's Signature _____ Date _____

Teacher's Signature _____ Date _____

Signature of teacher indicates teacher has seen this evaluation, a copy of which will be placed in the teacher's folder.

Check here if there are additional comments attached _____

Distribution:
Original - to teacher
Copy - to building principal
Copy - to superintendent

Homer USD

TEACHER OBSERVATION FORM

Observer _____ Teacher _____ Date _____

Time _____ Place _____ Class _____

	Observed	Not Observed	Observer Comments and Recommendations
I. Techniques of Instruction			
A. Uses varied methods			
B. Climate for learning			
C. Develops desireable habits			
D. Behavior serves as model			
Additional Observations			
II. Classroom Environment			
A. Effective class routine			
B. Healthy Environment			
C. Materials used			
Additional Observations			
III. Teacher–Pupil Relationship			
A. Provides for differences			
B. Confidence of students			
C. Rapport with students			
Additional Observations			
IV. Ancillary Observation			
A. Plans - long & short term			
B. Student evaluation			
C. Teacher evaluation			
D. Clerical activities			
Additional Observations			

Conference: Date _____ Time _____

Teacher Comments:

Observer Signature _____

Teacher Signature _____

TEACHER, OBSERVER, AND SUPERINTENDENT RECEIVE A COPY OF THIS MATERIAL.

DEPARTMENT OF INSTRUCTION
UNION FREE SCHOOL DISTRICT
LEVITTOWN, NEW YORK

TEACHER OBSERVATION EVALUATION REPORT

Name _____ Grade _____ Date _____

School _____ Time: from _____ to _____

Observer _____ Signature _____

Description of lesson _____

_____

Teacher will sign here

signature _____ date ___
indicating receipt and perusal of this evaluation, but not approval or disapproval.

Those exercising the privilege of written comment for appendage to the filed copy are to forward same to the evaluator.

Principal's Initials _____

DEPARTMENT OF INSTRUCTION
UNION FREE SCHOOL DISTRICT
LEVITTOWN, NEW YORK

EVALUATION OF PROFESSIONAL SERVICES (OPTIONAL)

Name _____ Grade _____ Date _____

School _____ Evaluator _____

Teacher will sign here

signature _____ date _____
indicating receipt and perusal of this evaluation, but not approval or disapproval.

Those exercising the privilege of written comment for appendage to the filed copy are to forward same to the evaluator.

Principal's Initials _____

AMITYVILLE UNION FREE SCHOOL DISTRICT
Amityville, New York 11701

4117b

APPENDIX II

TEACHER EVALUATION RECORD

FROM _____ TO _____

TEACHER _____ SCHOOL _____

Grade or
Subject _____

	Satisfactory	Needs Improvement	Must Improve
1. PLANNING & PREPARATION			
2. INSTRUCTIONAL STRATEGIES			
3. EVALUATION, MONITORING & REINFORCEMENT			
4. OVERALL ATMOSPHERE			
5. SCHOOL ROLE			
6. PARENT-TEACHER RELATIONSHIP			

SUGGESTIONS:

Date

Observed by

Signature of Teacher

Position

MBB:cdk 8/30/79

OFFICE OF THE SUPERINTENDENT
PORT JERVIS CITY SCHOOL DISTRICT
PORT JERVIS, N.Y. 12771

TEACHER EVALUATION

PERFORMANCE KEY
4-EXCELLENT
3-SATISFACTORY
NR-NOT RATED
2-MARGINAL
1-UNSATISFACTORY

TEACHER	
SCHOOL	
GRADE/SUBJECT	
STATUS	
REPORT PERIOD	
DATE	
EVALUATOR	
TITLE	

		1	2	NR	3	4
PERSONAL AND PROFESSIONAL QUALITIES	a. Implements the educational philosophy of the district					
	b. Operates within the district's educational policies and administrative regulations					
	c. Contributes to the improvement of the educational program of the district and the school					
	d. Shares in the responsibility for the efficient and effective operation of the school					
	e. Fulfills clerical and supervisory responsibilities					
	f. Treats educational matters ethically and judiciously					
	g. Accepts and utilizes constructive criticisms and suggestions					
	h. Maintains good staff relations					
	i. Displays poise, confidence, enthusiasm, vitality and a sense of humor					
	j. Engages in activities and/or forma. programs for professional growth					
	k. Other (specify in comment section)			X		
TEACHING EFFECTIVENESS AND LEARNING ENVIRONMENT	a. Considers physical conditions in the classroom					
	b. Creates a classroom climate conducive to good teaching and learning					
	c. Prepares effective lessons					
	d. Organizes the class to instructional advantage and relates grouping to the activity					
	e. Utilizes A-V and resource materials					
	f. Communicates his knowledge and command of subject matter to his students					
	g. Exhibits skill in the techniques of instruction					
	h. Follows the course of study and maintains proper instructional balance in his presentations					
	i. Demonstrates knowledge and skill in matters of discipline and control					
	j. Utilizes class time efficiently and effectively					
	k. Other (specify in comment section			X		
PUPIL GROWTH AND DEVELOPMENT	a. Creates and nurtures good pupil-teacher relations					
	b. Shows a sympathetic understanding of students; is cognizant of their abilities and limitations					
	c. Provides for individual needs, interests and talents					
	d. Encourages, and affords opportunities for, active pupil participation, interaction and leadership					
	e. Aids in developing critical thinking, moral values and democratic citizenship					
	f. Helps students acquire good study skills					
	g. Guides students into many successful experiences					
	h. Gives purposeful and differentiated assignments					
	i. Evaluates pupil progress accurately and conscientiously					
	j. Maintains cooperative lines of communications with parents of students and auxiliary services personnel					
	k. Other (specify in comment section			X		

COMMENT SECTION:

PERSONAL AND PROFESSIONAL QUALITIES

(MUST INCLUDE SPECIFIC SUGGESTIONS FOR THE CORRECTION OR IMPROVEMENT OF CONDITIONS RATED 1 OR 2 IN THIS SECTION)

COMMENT SECTION:

TEACHING EFFECTIVENESS AND LEARNING ENVIRONMENT

(MUST INCLUDE SPECIFIC SUGGESTIONS FOR THE CORRECTION OR IMPROVEMENT OF CONDITIONS RATED 1 OR 2 IN THIS SECTION)

COMMENT SECTION:

PUPIL GROWTH AND DEVELOPMENT

(MUST INCLUDE SPECIFIC SUGGESTIONS FOR THE CORRECTION OR IMPROVEMENT OF CONDITIONS RATED 1 OR 2 IN THIS SECTION)

EVALUATOR'S CONFERENCE COMMENTS

TEACHER'S CONFERENCE COMMENTS

CONCERNING THIS TEACHER'S APPOINTMENT TO

_____ (SCHOOL/DEPT.)

_____ (TENURE)

AS OF THIS DATE

_____ RECOMMEND APPOINTMENT

_____ WITHDRAW FROM CONSIDERATION

_____ DO NOT RECOMMEND APPOINTMENT

THE SIGNATURE BELOW SERVES ONLY TO CERTIFY EITHER THE FOLLOWING OF AT LEAST ONE FORMAL CLASSROOM OBSERVATION THE TEACHER HAS BEEN GIVEN A COPY OF THIS REPORT AND HAS BEEN GIVEN THE OPPORTUNITY TO DISCUSS ITS CONTENTS WITH THE EVALUATOR

Rebuttal Attached ☐

SIGNATURE

SIGNATURE

DATE

TEACHER EVALUATION FORM: CRITERIA FOR EVALUATION

PERSONAL AND PROFESSIONAL QUALITIES 2113.31

A. The teacher implements the educational philosophy of the district as indicated by Board of Education policy and interpreted by administrative regulations. Moreover, the teacher developes and refines his understanding of the district's educational philosophy – and its implications for his position – as he accepts significant and responsible membership in the community and as he interacts formally and informally with his colleagues in the usual, daily business of the school.

B. The teacher operates within the educational policies and administrative regulations of the district through an appreciation of the need for, the value of, and the benefits derived from order and structure in the organization. He recognizes the moral and legal authority of those who are entrusted with the responsibility of formulating policy and effecting decisions.

C. The teacher contributes to the improvement of the educational program of the district and the school through active participation in educational matters at the grade, departmental, building, and district levels. He accepts assignments, volunteers his time, energies and talents and offers intelligent criticisms, suggestions and recommendations to those endeavors which are directed at improving the educational program of the district.

D. The teacher shares in the responsibility for the efficient and effective operation of the school because he understands that education goes far beyond the limits of instruction in a particular discipline or development of certain basic skills. He extends his cooperation, with an awareness of reciprocity and interdependence, in an effort to achieve excellence in the education of the whole child.

E. The teacher fulfills clerical and supervisory responsibilities as promptly and as conscientiously as possible.

F. The teacher treats educational matters ethically and judiciously. By the nature of his position, much of the information that is made available to him requires professional interpretation. Thus, he solicits and offers information with discretion.

G. The teacher accepts and utilizes constructive criticism and suggestions in an effort to improve his own skills and increase his effectiveness as a teacher and staff member.

H. The teacher maintains good staff relations in accordance with generally accepted principles of mental health, human relations, and democratic interpersonal relationships.

I. The teacher displays poise, confidence, enthusiasm, vitality and a sense of humor commensurate with his position, role, maturity, sophistication, preparation and competency. He knows that these qualities increase his effectiveness as a person, colleague and teacher.

J. The teacher engages in activities and/or formal programs for professional growth in an effort to advance personally and professionally, to improve his professional skills and teaching effectiveness, and to upgrade the educational program of the school and the status of the profession.

TEACHING EFFECTIVENESS AND LEARNING ENVIRONMENT 2113.32

A. Understanding the importance of environment, the teacher considers physical conditions in the classroom – such as orderliness and cleanliness, lighting and ventilation, seating comfort and arrangement – as they relate to good housekeeping, physical and mental health, attention span, discipline and the educational activity.

B. The teacher creates a classroom climate conducive to good teaching and learning by developing and nurturing a spirit of mutual friendliness, cooperation and respect.

C. The teacher prepares effective lessons. He realizes that while knowledge is essential to learning, it is best accepted, assimilated and retained when it is presented in an interesting, sequential and meaningful manner. The teacher is resourceful and creative; he utilizes a variety of methods and approaches and he provides for practical, first-hand experiences.

D. The teacher organizes the class to instructional advantage and he relates grouping to the activity in an effort to individualize instruction. He is aware of the fact that children learn in different ways and at different speeds, depending upon their backgrounds, needs and abilities.

E. The teacher utilizes A-V and resource materials in an effort to create interest, to expose students to differing points of view, and to provide broad and varied backgrounds of experience. He guards against overdependency upon the textbook.

F. The teacher communicates his knowledge and command of subject matter to his students. His training and background, along with his efforts to keep abreast of current developments, make the teacher competent in his field. He conducts class and subject-related activities well within the experience and understanding of his students.

G. The teacher exhibits skill in the techniques of instruction. He provides for the various facets of the learning process in each lesson, viz.

1. Motivation
   He creates the proper setting for the introduction of the lesson.
2. Presentation
   He introduces new material in an interesting, understandable manner.

Note. Underlining (above) is not used to imply any degree of emphasis. Rather, it is used to denote that portion of the criterion for evaluation which appears on the Teacher Evaluation Form.

3. Association
He relates new material to old.
4. Demonstration
He explains the practical application of concepts.
5. Recitation
He affords students opportunities for participation.
6. Examination
He tests for knowledge and learning and proceeds accordingly.

H. The teacher follows the course of study and maintains a proper balance in his presentations. He guards against emphasizing his own interests and strengths to the neglect of other areas within his particular discipline or grade level. He is conscious, moreover, of his role in meeting the educational needs or goals of the grade and the school.

I. The teacher demonstrates knowledge and skill in matters of discipline and control. He is aware of those conditions which tend to prevent or minimize obstreperous or recalcitrant student behavior: good teaching, supervision, mutual respect, impartiality, consistency, compassion, reasonable demands and expectations. He displays tact, good judgment and self-control at all times. When punishment must be administered, it is reasonable and judicious; it is aimed at the improvement of behavior. Physical force is used solely for the purpose of restraining a student who endangers the safety and well-being of others. Chronic or extreme behavioral problems are referred to the proper school authorities.

J. The teacher utilizes class time efficiently and effectively in order to insure the attainment of the instructional and educational goals of the lesson. The class begins on time; routine business is conducted quickly; equipment and materials are prepared and ready for use or orderly distribution; a reasonable instructional pace is established and maintained; homework assignments are explained; the class is dismissed on time. **Is ready and prepared for all special instructions.**

PUPIL GROWTH AND DEVELOPMENT 2113.33

A. The teacher creates and nutures good pupil-teacher relations in accordance with sound educational, psychological and democratic principles. Accepting the fact that good teaching is much more than instructing, he functions "in loco parentis" as a result of assignment, his own initiative, or as the need arises. Further, the teacher is aware that, in the classroom situation, his relationship with the individual may influence his effectiveness with the group, just as his relationship with the group may influence his effectiveness with the individual.

B. The teacher shows a sympathetic understanding of students; he is cognizant of their abilities and limitations. He is patient and forgiving. He formulates and adjusts his demands and expectations accordingly.

C. The teacher provides for individual needs, interests and talents in an effort to individualize instruction and recognize the uniqueness of the individual. He provides for remediation, drill and enrichment as the need is determined.

D. The teacher encourages, and affords opportunities for, active pupil participation, interaction and leadership. He strives to make the classroom and the school a setting for a society of children which provides those opportunities and experiences that will develop responsible, democratic citizenship.

E. The teacher aids in developing critical thinking, moral values and democratic citizenship as essentials to one's personal fulfillment and economic, social and cultural success.

F. The teacher helps pupils acquire good study skills not only to facilitate learning or complete particular assignments, but also to create a lasting desire for knowledge.

G. Knowing that "nothing succeeds like success", the teacher guides students into many successful experiences. Through recognition he rewards sincere effort, achievement and desirable behavior. He establishes or accedes to goals which are reasonably challenging, but he insures some measure of success in achieving them.

H. The teacher gives purposeful and differentiated assignments as needed for remediation, drill or enrichment. Such factors as the student's ability, the availability of reference and resource materials, the time and effort required, the economic and cultural background of the student are seriously considered in determining the type and frequency of assignments. All homework assignments are collected, evaluated and returned to the pupil.

I. The teacher evaluates pupil progress accurately and conscientiously in accordance with administrative regulations, sound educational principles and practices, scientific reporting, effective communications, and good human and public relations. Grades are never used to punish or reward. Periodically, the teacher studies his evaluations of pupils as possible or probable indicators of the effectiveness or accuracy of pupil placement practices, the educational program, his own teaching ability, and/or the criteria for evaluation.

J. The teacher maintains cooperative lines of communications with parents of students and auxiliary services personnel in an effort to serve the best interests of the student. He acknowledges the home-school-community interdependency and its role in American education.